

## REMARKS

### Summary

Claims 9-28 were pending and all of the claims were rejected in the present Office action. The Applicants have carefully considered the references and the arguments presented by the Examiner and respectfully traverse the rejections on the basis that a *prima facie* case of anticipation or obviousness has not been made out.

### Claim Rejections

#### **35 U.S.C. § 102(b)**

Claims 9-13, 15-16, 21-23 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Siczek et al. (US 5,014,292; "Siczek").

Claim 9 recites, *inter alia*, a device for supporting a patient with respect to a computer tomography device, where a height adjusting device is mounted on the computer tomography device.

Siczek is directed towards an X-ray apparatus where the X-ray source 4 and the X-ray 5 detector are mounted to a C-arm structure 3. Nothing in the reference teaches or suggests that the apparatus is a computer tomography device.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir 1984) (citing Connell v. Sears Roebuck & Co. 722 F.2d 1542 220 USPQ 193 (Fed. Cir. 1983)).

The reference does not teach or suggest that the height adjusting device of Claim 9 is mounted on the computer tomography device, and therefore the reference does not teach all of the elements and limitations of the claim. For at least this reason, Claim 9 is allowable.

Independent Claims 22 and 28 recite the computer tomography device, and are allowable for at least the same reason. Claims 10-21, and 23-27 are claims dependent on an allowable claim, and are allowable as such.

Claims 9 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schaefer et al. (US 5,410,584; "Schaefer").

The Examiner asserts that Schaefer discloses “a gantry comprising a first c-arm 2 and a second c-arm connected by a mount 4 (col. 2 , line 32-54). A locking mechanism functions as a height adjustment means is operable to support a patient stretcher, and is displaced laterally from the examination aperture (see figure 1).” (Office action, Item 4)

The Applicants respectfully submit that Schaefer does not teach that the first C-arm 2 or the holder 4 is affixed to the patient support 8. Schaefer teaches: “The patient support 8 is shown for clarity as simply extending into the opening of the C-arm 2, however, it will be understood that suitable supporting elements, which are not shown in the drawing, will be provided for the support table 8” (col. 3, lines 5 – 10). [emphasis added] As such, Schaefer neither teaches nor suggests any aspect of the support structure for the patient support 8, or the relationship of the support structure to the C-arm 2 or holder 4.

Since Schaefer does not teach or suggest the structure of a height adjustment device or the relationship of that structure to the remainder of the apparatus disclosed, not all of the elements and limitations of Claims 9 or 22 are found in the reference, and the claims are allowable.

### **35 U.S.C. § 103(a)**

Claims 14 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Siczek. As argued above, Siczek does not teach or suggest a computed tomography device, and therefore does not teach all of the elements of Claims 14 and 19, which are also allowable as dependent claims.

Claims 17-20, 24-25 and 27 were rejected under 35 U.S.C. § 103(a) Siczek, in view of Seufert (US PG Pub. 2002/0112288; “Seufert”).

The Examiner asserts that Seufert teaches a CT examination apparatus having “independently height-adjustable supports 11, 23 located on either side of CT device (see figure 5)”. (Office action, Item 7). Fig. 5 of the reference shows that the supports in 11 and 17 are mounted to the floor 3 and not to the examination apparatus 1. This is not the arrangement of Claim 17, where the second height adjusting device is mounted on the computer tomography device. As such, the combination of the teachings of the asserted references do not describe the subject matter of Claim 17 and the claim is not

obvious and is allowable. Claims 18-20 are claims dependent on Claim 17 and are allowable as dependent claims. Claim 24 is allowable for the same reason. Claims 22 and 27 are allowable as dependent claims.

Claims 9-123 [?], 22-23 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gore (GB 2,386,887; "Gore").

The Examiner asserts that Gore teaches "a platform 3 is arranged to move as the crank arm (i.e. height adjusting device) is rotated between a low position and a high position...." The Applicants respectfully submit that the reference teaches that the crank arm 3 is mounted on an axis 5 positioned below and substantially parallel with the longitudinal axis of the aperture 2. (Gore, page 3, lines 1-5). As such, Gore does not teach the arrangement of Claim 9, where the height adjusting device is mounted displaced laterally from the examination aperture. As not all of the elements and limitations of Claim 9 are taught or fairly suggested by the reference, a *prima facie* case of obviousness has not been made out. Claim 22 is allowable for a similar reason. Claim 26 is allowable as a claim dependent on Claim 22. Claims 11-12 are allowable as claims dependent on allowable Claim 9.

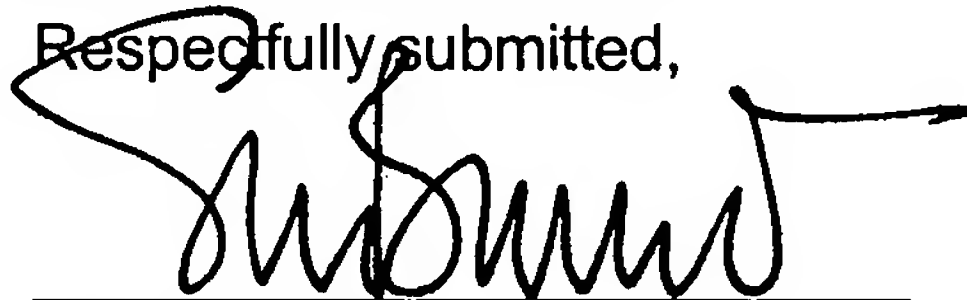
### **Conclusion**

Claims 9-28 are pending.

For at least the reasons set forth above, the Applicants respectfully submit that the pending claims are allowable and look forward to the early issuance of a Notice of Allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



Sid Bennett

Registration No. 53,981

Agent for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200